

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE**
3 **EASTERN DISTRICT OF PENNSYLVANIA**

4 **DIONE WILLIAMS,**)

5 Plaintiff)

6 v.)

7 **Case No.:**

8 **BLUESTEM BRANDS INC., D/B/A**)
9 **FINGERHUT,**)

8 **COMPLAINT AND DEMAND FOR**
9 **JURY TRIAL**

10 Defendant)
11

12 **COMPLAINT**

13 DIONE WILLIAMS (“Plaintiff”), by and through her attorneys, KIMMEL
14 & SILVERMAN, P.C., alleges the following against BLUESTEM BRANDS INC.,
15 d/b/a FINGERHUT (“Defendant”):
16

17 **INTRODUCTION**

18 1. Plaintiff’s Complaint is based on the Telephone Consumer Protection
19 Act (“TCPA”).
20

21 **JURISDICTION AND VENUE**

22 2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See
23 Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).
24

25 3. Defendant conducts business in the Commonwealth of Pennsylvania
and as such, personal jurisdiction is established.

1 14. Defendant's telephone calls were not made for "emergency purposes."

2 15. Plaintiff told Defendant to stop calling when the calls first began in
3 July 2015.
4

5 16. However, Defendant continue to call Plaintiff through late 2016 or
6 early 2017.

7 17. Once Defendant knew its calls were unwanted any further calls
8 served no lawful purpose.
9

10
11 **COUNT I**
12 **DEFENDANT VIOLATED THE**
13 **TELEPHONE CONSUMER PROTECTION ACT**

14 18. Plaintiff incorporates the forgoing paragraphs as though the same were
15 set forth at length herein.

16 19. Defendant initiated multiple automated telephone calls to Plaintiff's
17 cellular telephone using a prerecorded voice.

18 20. Defendant initiated these automated calls to Plaintiff using an
19 automatic telephone dialing system.
20

21 21. Defendant's calls to Plaintiff were not made for emergency purposes.

22 22. Defendant's calls to Plaintiff, in and after July 2015, were not made
23 with Plaintiff's prior express consent.
24
25

24. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.

PRAAYER FOR RELIEF

- a. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);
- b. Statutory damages of \$500.00 per telephone call pursuant to 47 U.S.C. § 227(b)(3)(B);
- c. Treble damages of \$1,500.00 per telephone call pursuant to 47 U.S.C. § 227(b)(3) or alternatively that amount for all calls

1 made after Defendant was notified that they were calling the
2 wrong person and wrong number;

3 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);

4 e. Any other relief deemed appropriate by this Honorable Court.
5

6
7 **DEMAND FOR JURY TRIAL**

8
9 PLEASE TAKE NOTICE that Plaintiff, DIONE WILLIAMS, demands a
10 jury trial in this case.

11
12
13 RESPECTFULLY SUBMITTED,

14 DATED: June 16, 2017

KIMMEL & SILVERMAN, P.C.

15
16 By: /s/Amy L.B. Ginsburg
17 AMY L.B. GINSBURG
18 Attorney ID # 202745
19 Kimmel & Silverman, P.C.
20 30 E. Butler Pike
21 Ambler, PA 19002
22 Phone: (215) 540-8888
23 Fax: (877) 788-2864
24 Email: teamkimmel@creditlaw.com
25